

HOUSE BILL 542

A2

11r0324

By: **Montgomery County Delegation**

Introduced and read first time: February 8, 2011

Assigned to: Economic Matters

A BILL ENTITLED

1 AN ACT concerning

2 **Montgomery County – Alcoholic Beverages – Beer and Wine Sampling or**
3 **Tasting License**

4 **MC 3–11**

5 FOR the purpose of expanding the list of alcoholic beverages licenses that the
6 Montgomery County Board of License Commissioners may issue in the City of
7 Takoma Park to include a beer and wine sampling or tasting (BWST) license;
8 authorizing the Board to issue a BWST license to certain persons; authorizing
9 certain holders of a BWST license to hold only wine tastings or samplings;
10 specifying the annual license fee; specifying certain conditions for the use of a
11 BWST license; specifying certain maximum quantities of alcoholic beverages
12 that may be consumed under certain conditions; specifying certain requirements
13 for applying for and issuing a BWST license; authorizing an applicant for a
14 BWST license to request a hearing before the Board under certain
15 circumstances; defining a certain term; and generally relating to alcoholic
16 beverages licenses in Montgomery County.

17 BY repealing and reenacting, with amendments,
18 Article 2B – Alcoholic Beverages
19 Section 8–216(d)(1)
20 Annotated Code of Maryland
21 (2005 Replacement Volume and 2010 Supplement)

22 BY adding to
23 Article 2B – Alcoholic Beverages
24 Section 8–408.2
25 Annotated Code of Maryland
26 (2005 Replacement Volume and 2010 Supplement)

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
2 MARYLAND, That the Laws of Maryland read as follows:

3 **Article 2B – Alcoholic Beverages**

4 8–216.

5 (d) (1) The Montgomery County Board of License Commissioners may
6 issue, renew, and transfer and otherwise provide for [7] 8 classes of alcoholic
7 beverages licenses in the City of Takoma Park as follows:

8 (i) Class B (on–sale) beer and light wine, hotel and restaurant
9 licenses;

10 (ii) Class H (on–sale) beer and light wine, hotel and restaurant
11 licenses;

12 (iii) Class B (on–sale) beer, wine and liquor, hotel and restaurant
13 licenses;

14 (iv) Class H–TP (on–sale) beer license;

15 (v) Class D–TP (on– and off–sale) beer and light wine license;

16 (vi) Class A–TP (off–sale) beer, wine and liquor license; [and]

17 (vii) Class C–TP (on–sale) beer, wine and liquor license; AND

18 **(VIII) BEER AND WINE SAMPLING OR TASTING (BWST)**
19 **LICENSES ISSUED UNDER § 8–408.2 OF THIS TITLE.**

20 **8–408.2.**

21 **(A) THIS SECTION APPLIES ONLY IN MONTGOMERY COUNTY.**

22 **(B) IN THIS SECTION, “BOARD” MEANS THE MONTGOMERY COUNTY**
23 **BOARD OF LICENSE COMMISSIONERS.**

24 **(C) (1) SUBJECT TO PARAGRAPH (2) OF THIS SUBSECTION, THE**
25 **BOARD MAY ISSUE A BEER AND WINE SAMPLING OR TASTING (BWST) LICENSE**
26 **TO A HOLDER OF A CLASS A LICENSE TO HOLD TASTINGS OR SAMPLINGS OF**
27 **BEER OR WINE.**

28 **(2) A HOLDER OF A CLASS A WINE LICENSE MAY USE A BWST**
29 **LICENSE TO HOLD TASTINGS OR SAMPLINGS OF WINE ONLY.**

1 **(D) THE ANNUAL LICENSE FEE FOR A BWST LICENSE IS \$200.**

2 **(E) (1) A BWST LICENSE AUTHORIZES SAMPLING OR TASTING OF**
3 **ALCOHOLIC BEVERAGES ONLY ON THE LICENSED PREMISES OF THE HOLDER OF**
4 **A CLASS A LICENSE.**

5 **(2) A HOLDER OF A BWST LICENSE MAY ALLOW CONSUMPTION**
6 **BY A SINGLE INDIVIDUAL FOR SAMPLING OR TASTING PURPOSES OF NOT MORE**
7 **THAN:**

8 **(I) 1 OUNCE FROM A SINGLE BRAND OF WINE;**

9 **(II) 4 OUNCES FROM ALL BRANDS OF WINE IN A SINGLE DAY;**

10 **(III) 3 OUNCES FROM A SINGLE BRAND OF BEER; AND**

11 **(IV) 12 OUNCES FROM ALL BRANDS OF BEER IN A SINGLE**
12 **DAY.**

13 **(3) ONCE OPENED, EACH BOTTLE USED FOR THE BEER AND WINE**
14 **TASTING OR SAMPLING SHALL BE MARKED THAT IT IS TO BE USED FOR THAT**
15 **PURPOSE ONLY.**

16 **(4) THE HOLDER OF A BWST LICENSE SHALL NOTIFY THE**
17 **BOARD IN WRITING AT LEAST 7 DAYS BEFORE EACH SAMPLING OR TASTING**
18 **EVENT.**

19 **(F) (1) AN APPLICATION FOR A BWST LICENSE SHALL BE MADE ON A**
20 **FORM SUPPLIED BY THE BOARD.**

21 **(2) A BWST LICENSE MAY BE ISSUED WITHOUT A PUBLIC**
22 **HEARING.**

23 **(3) IF AN INITIAL APPLICATION FOR A BWST LICENSE IS DENIED,**
24 **THE APPLICANT MAY REQUEST A PUBLIC HEARING BEFORE THE BOARD.**

25 **(4) THE BOARD MAY NOT REQUIRE THE PUBLICATION OF AN**
26 **APPLICATION FOR A BWST LICENSE BEFORE ISSUING THE LICENSE.**

27 **(5) A RENEWAL OF A BWST LICENSE MAY BE MADE AT THE TIME**
28 **THE HOLDER'S CLASS A LICENSE IS RENEWED.**

29 **(G) THE PROVISIONS OF THIS SECTION ARE NOT RESTRICTED BY:**

1 **(1) § 12–107(B) OF THIS ARTICLE; AND**

2 **(2) THE PROVISIONS IN § 9–102 OF THIS ARTICLE THAT PROHIBIT**
3 **THE ISSUANCE OF TWO LICENSES FOR THE SAME PREMISES.**

4 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
5 July 1, 2011.